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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-19189-2026

Date of decision: 01.07.2026

Ram Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. S.S. Momi, Advocate and
Mr. Tarun Kumar Parashar, Advocate for the petitioner.

Mr. Pradeep Prakash Chahar, Addl. A.G. Haryana.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for setting aside the impugned notice dated 23.04.2026 issued under Section 24(1) of the Haryana Panchayati Raj Act, 1994 (hereinafter to be referred as “the Act of 1994”) by respondent No.6.

2. Learned counsel for the petitioner has submitted that one of the khasra number i.e., Khasra No.62 of which it has been stated in the impugned notice, that the petitioner has unauthorizedly encroached upon is as per the jamabandi for the year 2022-23, under the column of



ownership shown to be the land of “Jumla Mushtarka Malkan Wa Digar Haqdarani Arazi Hasab Rasad Rakba Khewat vasi’. It is submitted that the entry in column No.5 with respect to the cultivator of the land comprised in khasra No.62 is “Makbuja Maalak”. It is further submitted that thus, with respect to khasra No.62, it is apparent that a question of title arises. It is further submitted that however, the Gram Panchayat after passing the Resolution had issued a notice under Section 24(1) of the Act of 1994 against the petitioner. It is submitted that in the said notice, it was specifically stated that in case the petitioner has any objection with respect to said notice/conditional order then he can appear before the office of BDPO in the presence of the Panchayat and could submit his explanation. It is submitted that the petitioner had appeared before the office of BDPO and had given a detailed representation dated 19.05.2026 (Annexure P-7) which has not been decided till date and the respondents are wanting to take possession from the petitioner.

3. Learned Additional Advocate General Haryana, appears on behalf of respondent Nos.1 to 5 on advance notice and has submitted that a perusal of jamabandi (Annexure P-1) for the year 2022-23 would show that khasra No.62 as well as other khasra number also indicate that there is river on the land comprised in the said khasra numbers. It is further submitted that as per the provision of Section 24 of the Act of 1994, the Gram Panchayat either suo motu or on receiving a report or other information and on taking such evidence, if any, has power to pass conditional order requiring owner/occupier to do all the acts which have



been detailed in the said Section. It is further submitted that an order passed under Section 24 of the Act of 1994 is appealable under Section 28 of the Act of 1994.

4. On a pointed query raised by this Court, it has fairly been stated that since the petitioner had given representation dated 19.05.2026 thus, the BDPO would consider the said representation as stated in the impugned notice dated 23.04.2026 after hearing the present petitioner and would pass a detailed speaking order. It is further fairly submitted that till the time the said order is passed the status quo with respect to possession be maintained but the said order should not be construed as an expression of opinion on the merits of the case.

5. Keeping in view the abovesaid facts and circumstances and fair stand taken on behalf of the petitioner as well as on behalf of respondent Nos.1 to 5, the present writ petition is disposed of with the following observations/directions:-

- i) BDPO, Shahzadpur, Ambala in the presence of representatives of Panchayat would consider the representation dated 19.05.2026 (Annexure P-7) given by the petitioner after giving due opportunity of hearing to the petitioner and would pass a speaking order on the same, as expeditiously as possible.
- ii) Till the time the final decision is not taken on the said representation dated 19.05.2026 by the BDPO, the status quo with respect to possession as it exists today be maintained.
- iii) The grant of said status quo should not be construed as an



expression of the opinion on the merits of the case and it would be open to both the parties to raise all the pleas as are available to them before the competent officer and the competent officer would decide the same independently in accordance with law.

- iv) Needless to say that in case the petitioner is aggrieved by the order so passed, as it has been stated on behalf of the respondents, the petitioner would have a right to file an appeal under Section 28 of the Act of 1994.

(VIKAS BAHL)
JUDGE

(SUBHAS MEHLA)
JUDGE

01.07.2026

Pawan

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No